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CLERK U.S. DISTRICT COURT  
CENTRAL DIST. OF CALIF.  
LOS ANGELES

JAY S. ROTHMAN & ASSOCIATES  
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Woodland Hills, California 91367  
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Attorneys for Plaintiff  
EDDIE D. JOHNSON

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

EDDIE D. JOHNSON,  
  
Plaintiff,

vs.

DOLLAR TREE STORES, INC., a  
Virginia corporation; CHERYL  
McNALLY, an individual; and  
DOES 1 through 10, Inclusive,  
  
Defendants.

CASE NO.

**LACV11-5923** DMG  
(CWx)

COMPLAINT FOR DAMAGES

DEMAND FOR JURY TRIAL

**JURISDICTION AND VENUE**

1. Plaintiff EDDIE D. JOHNSON ("Plaintiff") brings this claim for damages pursuant to Title VII of the Civil Rights Act of 1964 and the Civil Rights Act of 1991.

2. The Court has jurisdiction over Plaintiff's claims because the matters in controversy arise under the laws of the United States.

3. Venue is proper in this Court under 28 U.S.C. §1391(a)(3) because defendant DOLLAR TREE STORES, INC. ("defendant DOLLAR") is subject to personal jurisdiction herein.

**PARTIES**

4. Plaintiff is an individual who was employed by defendant DOLLAR and who resides in San Bernardino, California.

5. Defendant DOLLAR is a California corporation subject to personal jurisdiction herein.

6. Defendant CHERYL McNALLY ("defendant McNALLY") is an individual employed by defendant DOLLAR as a Store Manager and Plaintiff's supervisor. All actions taken by defendant McNALLY were taken in the course and scope of her employment.

7. The true names and capacities of the defendants sued herein as DOES 1 through 10, inclusive, are unknown to Plaintiff, who therefore sues these defendants by such fictitious names. Plaintiff will ask leave of the Court to amend this Complaint to show their true names and capacities when same have been ascertained. Plaintiff is informed and believes, and thereon alleges, that each of the defendants, herein designated as a DOE, proximately caused the injuries and damages to Plaintiff as hereinafter alleged.

8. Plaintiff is informed and believes, and thereon alleges, that each of the defendants designated herein as a DOE is legally responsible in some manner for the events and happenings herein referred to, and negligently, wantonly, recklessly, tortiously and/or unlawfully proximately caused the injuries and damages thereby to Plaintiff as herein alleged.

**STATEMENT OF FACTS**

9. Plaintiff began his employment with defendant DOLLAR on February 10, 2010. He was employed in the position of cashier.

10. Defendant McNALLY was in a supervisory position over Plaintiff.

11. Immediately upon the start of his employment, and during the duration of his employment, defendant McNALLY sexually harassed Plaintiff and discriminated against him on the basis of his sex. This harassment and

1 discrimination included, but was not limited, to the following: (a) Telling  
2 Plaintiff that she wanted to "f\*ck" him; (b) Telling Plaintiff he can come to her  
3 house so they can "f\*ck; ( c) Sending Plaintiff sexually explicit pictures of  
4 herself, which included pictures of her breasts, vagina, and dressed in a bra and  
5 G-string underwear; (d) Sending Plaintiff sexually explicit text messages; and  
6 (e) Making sexually suggestive gestures during work, such as sticking her  
7 tongue in between two fingers to represent oral sex upon a female and bending  
8 over to reveal her buttocks.

9 12. These actions took on a daily basis. Plaintiff considered all this  
10 conduct to be harassment and discrimination and it bothered him.

11 13. On July 25, 2010, Plaintiff complained of the harassment and  
12 discrimination to Dave Woolley, defendant DOLLAR's District Manager.  
13 Another meeting was scheduled with Dave Woolley for July 30, 2010, wherein  
14 Plaintiff was to show Mr. Woolley the pictures sent to him by defendant  
15 McNALLY.

16 14. On July 30, 2010, before the additional meeting scheduled with Mr.  
17 Woolley took place, defendant DOLLAR terminated Plaintiff. No explanation  
18 was provided for Plaintiff's termination.

19 15. Based on these facts, defendant DOLLAR did nothing in response to  
20 Plaintiff's complaints. The response by defendant DOLLAR was insufficient  
21 because it did not stop the wrongful behavior by defendant McNALLY.

22 16. Plaintiff was terminated in retaliation for complaining of harassment  
23 and discrimination.

24 17. By engaging in the acts enumerated above, defendants DOLLAR and  
25 McNALLY created a hostile work environment for Plaintiff. The harassment  
26 by defendant McNALLY led to a tangible job detriment. Defendant DOLLAR  
27 failed to exercise reasonable care to prevent and correct promptly the harassing  
28 and discriminatory behavior. Defendant DOLLAR had no policies and

1 procedures for preventing and responding to Plaintiff's complaints of  
 2 harassment and discrimination. Thus, Plaintiff endured a hostile work  
 3 environment under a non-existent anti-harassment / anti-discrimination policy.

4 18. Plaintiff was required by statute to file a claim with the U.S. Equal  
 5 Employment Opportunity Commission. Plaintiff filed such a claim in a timely  
 6 manner and a "right-to-sue" letter was issued. (Attached hereto as Exhibit A is  
 7 a true and correct copy of the claim and "right-to-sue" letter.) Plaintiff has thus  
 8 exhausted all his administrative remedies.

### 9 **CAUSES OF ACTION**

#### 10 **FIRST CLAIM FOR RELIEF FOR SEXUAL HARASSMENT**

11 **(Title VII of the Civil Rights Act of 1964; Civil Rights Act of 1991)**

12 **(Against Defendants DOLLAR, McNALLY**

13 **and DOES 1 through 10, Inclusive)**

14 19. Plaintiff realleges and repleads all the allegations of the preceding  
 15 paragraphs of this Complaint and incorporates them herein by reference.

16 20. Title VII of the Civil Rights Act of 1964 specifically covers sexual  
 17 harassment. This includes practices ranging from direct requests for sexual  
 18 favors to workplace conditions that create a hostile environment for persons of  
 19 either gender, including same sex harassment.

20 21. Plaintiff was sexually harassed and subjected to a hostile work  
 21 environment during his employment. This conduct engaged in by defendants  
 22 violated Title VII of the Civil Rights Act of 1964.

23 22. The Civil Rights Act of 1991 authorizes compensatory and punitive  
 24 damages in cases of intentional discrimination, and provides for obtaining  
 25 attorneys' fees.

26 23. When defendants, and each of them, engaged in the acts alleged in  
 27 this Complaint, they created a hostile work environment on the basis of  
 28 Plaintiff's gender by sexually harassing Plaintiff, by failing to conduct an

1 effective investigation, by failing to provide meaningful remedies to make  
2 whole the victim and by failing to ensure that harassment does not occur again.

3 24. When Plaintiff advised defendant DOLLAR of the acts alleged in this  
4 Complaint, defendant DOLLAR had a duty to conduct an effective investigation  
5 and to provide effective remedies. When defendant DOLLAR failed to do so, it  
6 violated its affirmative duty to Plaintiff.

7 25. As a proximate result of the aforesaid acts of defendants, Plaintiff has  
8 foreseeably suffered and continues to suffer substantial loss of earnings and  
9 employment benefits in an amount according to proof at the time of trial.  
10 Plaintiff claims such amount as damages together with prejudgment interest.

11 26. Plaintiff further has incurred additional expenses in his efforts to  
12 regain employment, all to his damage in an amount according to proof at the  
13 time of trial.

14 27. As a direct and proximate result of the aforementioned wrongful  
15 conduct of defendants, and each of them, Plaintiff will suffer additional loss of  
16 earnings, reduced earning capacity in the future, and other incidental and  
17 consequential damages in an amount according to proof at the time of trial.

18 28. Plaintiff incurred expenses herein for necessary and reasonable  
19 attorneys' fees in order to enforce his rights and to obtain benefits due him, all  
20 to his further damage in an amount according to proof.

21 29. As a proximate result of the conduct complained of herein, Plaintiff  
22 suffered and continues to suffer embarrassment, humiliation, emotional distress,  
23 mental anguish and severe shock to his nervous system, and thereby sustained  
24 serious injuries to his physical and mental health, strength and activity, causing  
25 him extreme physical and emotional pain, all to his general damage in such  
26 amount as may be proven. Said amount is within the jurisdiction of the  
27 Superior Court of the State of California.

28 ///

1           30. As a direct and proximate result of the aforementioned wrongful  
 2 conduct of defendants, and each of them, Plaintiff incurred medical expenses,  
 3 the exact nature and extent of which are unknown to Plaintiff at this time and  
 4 Plaintiff will ask leave of court to amend this complaint in this regard when the  
 5 same have been ascertained.

6           31. As a direct and proximate result of the aforementioned wrongful  
 7 conduct of defendants, and each of them, Plaintiff will be required to incur  
 8 additional future medical expenses all to his further damage in an amount to be  
 9 proven at trial.

10           32. Because the acts taken toward Plaintiff were carried out by managerial  
 11 employees acting in a deliberate, cold, callous and intentional manner, with  
 12 malice, oppression and fraud, in order to injure and damage Plaintiff, Plaintiff  
 13 requests the assessment of punitive damages against defendants, and each of  
 14 them, in an amount appropriate to punish and make an example of defendants.

15           Wherefore, Plaintiff prays for judgment against the defendants as  
 16 hereinafter set forth.

17                               **SECOND CLAIM FOR RELIEF FOR**  
 18                               **DISCRIMINATION BASED UPON SEX**

19                   **(Title VII of the Civil Rights Act of 1964; Civil Rights Act of 1991)**  
 20                   **(Against Defendants DOLLAR and DOES 1 through 10, Inclusive)**

21           33. Plaintiff realleges and repleads all the allegations of the preceding  
 22 paragraphs of this Complaint and incorporates them herein by reference.

23           34. Title VII of the Civil Rights Act of 1964 specifically covers  
 24 discrimination based upon sex. It is illegal to discriminate against a person  
 25 because of their sex.

26           35. Plaintiff was discriminated against during his employment. This  
 27 conduct engaged in by defendants violated Title VII of the Civil Rights Act of  
 28 1964.



1           36. The Civil Rights Act of 1991 authorizes compensatory and punitive  
2 damages in cases of intentional discrimination and provides for obtaining  
3 attorneys' fees.

4           37. When defendants, and each of them, engaged in the acts alleged in  
5 this Complaint, they discriminated against Plaintiff because of his sex, failed to  
6 conduct an effective investigation, failed to provide meaningful remedies to  
7 make whole the victim and failed to ensure that the discrimination did not occur  
8 again.

9           38. When Plaintiff advised defendant DOLLAR of the acts alleged in this  
10 Complaint, defendant DOLLAR had a duty to conduct an effective investigation  
11 and to provide effective remedies. When defendant DOLLAR failed to do so, it  
12 violated its affirmative duty to Plaintiff.

13           39. As a proximate result of the aforesaid acts of defendants, Plaintiff has  
14 foreseeably suffered and continues to suffer substantial loss of earnings and  
15 employment benefits in an amount according to proof at the time of trial.  
16 Plaintiff claims such amount as damages together with prejudgment interest.

17           40. Plaintiff further has incurred additional expenses in his efforts to  
18 regain employment, all to his damage in an amount according to proof at the  
19 time of trial.

20           41. As a direct and proximate result of the aforementioned wrongful  
21 conduct of defendants, and each of them, Plaintiff will suffer additional loss of  
22 earnings, reduced earning capacity in the future, and other incidental and  
23 consequential damages in an amount according to proof at the time of trial.

24           42. Plaintiff incurred expenses herein for necessary and reasonable  
25 attorneys' fees in order to enforce his rights and to obtain benefits due him, all  
26 to his further damage in an amount according to proof.

27           43. As a proximate result of the conduct complained of herein, Plaintiff  
28 suffered and continues to suffer embarrassment, humiliation, emotional distress,

1 mental anguish and severe shock to his nervous system, and thereby sustained  
 2 serious injuries to his physical and mental health, strength and activity, causing  
 3 him extreme physical and emotional pain, all to his general damage in such  
 4 amount as may be proven. Said amount is within the jurisdiction of the  
 5 Superior Court of the State of California.

6 44. As a direct and proximate result of the aforementioned wrongful  
 7 conduct of defendants, and each of them, Plaintiff incurred medical expenses,  
 8 the exact nature and extent of which are unknown to Plaintiff at this time and  
 9 Plaintiff will ask leave of court to amend this complaint in this regard when the  
 10 same have been ascertained.

11 45. As a direct and proximate result of the aforementioned wrongful  
 12 conduct of defendants, and each of them, Plaintiff will be required to incur  
 13 additional future medical expenses all to his further damage in an amount to be  
 14 proven at trial.

15 46. Because the acts taken toward Plaintiff were carried out by managerial  
 16 employees acting in a deliberate, cold, callous and intentional manner, with  
 17 malice, oppression and fraud, in order to injure and damage Plaintiff, Plaintiff  
 18 requests the assessment of punitive damages against defendants, and each of  
 19 them, in an amount appropriate to punish and make an example of defendants.

20 Wherefore, Plaintiff prays for judgment against the defendants as  
 21 hereinafter set forth.

### 22 **THIRD CLAIM FOR RELIEF FOR RETALIATION**

23 **(Title VII of the Civil Rights Act of 1964; Civil Rights Act of 1991)**

24 **(Against Defendants DOLLAR and DOES 1 through 10, Inclusive)**

25 47. Plaintiff realleges and repleads all the allegations of the preceding  
 26 paragraphs of this Complaint and incorporates them herein by reference.

27 48. Title VII of the Civil Rights Act of 1964 specifically covers  
 28 retaliation. It is illegal to retaliate against an individual for filing a charge of



1 discrimination, participating in an investigation, or opposing discriminatory  
2 practices.

3 49. The Civil Rights Act of 1991 authorizes compensatory and punitive  
4 damages in cases of intentional discrimination and provides for obtaining  
5 attorneys' fees.

6 50. When defendants, and each of them, engaged in the acts alleged in  
7 this Complaint, they retaliated against Plaintiff because he opposed  
8 discriminatory practices. This conduct engaged in by defendants violated Title  
9 VII of the Civil Rights Act of 1964.

10 51. When Plaintiff opposed discriminatory practices, he was engaged in a  
11 protected activity.

12 52. As a proximate result of the aforesaid acts of defendants, Plaintiff has  
13 foreseeably suffered and continues to suffer substantial loss of earnings and  
14 employment benefits in an amount according to proof at the time of trial.  
15 Plaintiff claims such amount as damages together with prejudgment interest.

16 53. Plaintiff further has incurred additional expenses in his efforts to  
17 regain employment, all to his damage in an amount according to proof at the  
18 time of trial.

19 54. As a direct and proximate result of the aforementioned wrongful  
20 conduct of defendants, and each of them, Plaintiff will suffer additional loss of  
21 earnings, reduced earning capacity in the future, and other incidental and  
22 consequential damages in an amount according to proof at the time of trial.

23 55. Plaintiff incurred expenses herein for necessary and reasonable  
24 attorneys' fees in order to enforce his rights and to obtain benefits due him, all  
25 to his further damage in an amount according to proof.

26 56. As a proximate result of the conduct complained of herein, Plaintiff  
27 suffered and continues to suffer embarrassment, humiliation, emotional distress,  
28 mental anguish and severe shock to his nervous system, and thereby sustained

1 serious injuries to his physical and mental health, strength and activity, causing  
2 him extreme physical and emotional pain, all to his general damage in such  
3 amount as may be proven. Said amount is within the jurisdiction of the  
4 Superior Court of the State of California.

5 57. As a direct and proximate result of the aforementioned wrongful  
6 conduct of defendants, and each of them, Plaintiff incurred medical expenses,  
7 the exact nature and extent of which are unknown to Plaintiff at this time and  
8 Plaintiff will ask leave of court to amend this complaint in this regard when the  
9 same have been ascertained.

10 58. As a direct and proximate result of the aforementioned wrongful  
11 conduct of defendants, and each of them, Plaintiff will be required to incur  
12 additional future medical expenses all to his further damage in an amount to be  
13 proven at trial.

14 59. Because the acts taken toward Plaintiff were carried out by managerial  
15 employees acting in a deliberate, cold, callous and intentional manner, with  
16 malice, oppression and fraud, in order to injure and damage Plaintiff, Plaintiff  
17 requests the assessment of punitive damages against defendants, and each of  
18 them, in an amount appropriate to punish and make an example of defendants.

19 Wherefore, Plaintiff prays for judgment against the defendants as  
20 hereinafter set forth.

21 ///

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**PRAYER**

WHEREFORE, Plaintiff prays for judgment against defendants as follows:

1. For compensatory damages, including losses arising from mental and emotional distress and other special and general damages, in an amount according to proof at trial;

2. For an award of punitive damages;

3. For medical and related expenses according to proof;

4. For lost earnings and related expenses according to proof;

5. For attorneys' fees and costs, as allowed by law;

6. For prejudgment interest on all amounts claimed, as allowed by law;

and

7. For such other and further relief as the Court deems just and proper.

DATED: July W, 2011

JAY S. ROTHMAN & ASSOCIATES

JAY S. ROTHMAN  
Attorney for Plaintiff  
EDDIE D. JOHNSON

**DEMAND FOR JURY TRIAL**

Plaintiff hereby demands trial by jury in this action.

DATED: July 14, 2011

JAY S. ROTHMAN & ASSOCIATES


  
\_\_\_\_\_  
JAY S. ROTHMAN  
Attorney for Plaintiff  
EDDIE D. JOHNSON

EXHIBIT "A"

**CHARGE OF DISCRIMINATION**

This form is affected by the Privacy Act of 1974. See enclosed Privacy Act Statement and other information before completing this form.

Charge Presented To: Agency(ies) Charge No(s):

☐ FEPA

☒ EEOC

480-2011-00396

**Missouri Commission On Human Rights**

and EEOC

State or local Agency, if any

Name (Indicate Mr., Ms., Mrs.)

**Mr. Eddie D. Johnson**

Home Phone (Incl. Area Code)

**(323) 445-4616**

Date of Birth

**09-17-1980**

Street Address

City, State and ZIP Code

**1925 College Ave. # 139, San Bernardino, CA 92407**

Named is the Employer, Labor Organization, Employment Agency, Apprenticeship Committee, or State or Local Government Agency That I Believe Discriminated Against Me or Others. (If more than two, list under PARTICULARS below.)

Name

**DOLLAR TREE INC**

No. Employees, Members

**500 or More**

Phone No. (Include Area Code)

**(573) 441-0203**

Street Address

City, State and ZIP Code

**27 Conley Rd., Columbia, MO 65201**

Name

No. Employees, Members

Phone No. (Include Area Code)

Street Address

City, State and ZIP Code

DISCRIMINATION BASED ON (Check appropriate box(es).)

☐ RACE ☐ COLOR ☒ SEX ☐ RELIGION ☐ NATIONAL ORIGIN  
☒ RETALIATION ☐ AGE ☐ DISABILITY ☐ GENETIC INFORMATION  
☐ OTHER (Specify)

DATE(S) DISCRIMINATION TOOK PLACE

Earliest

Latest

**02-10-2010**

**07-30-2010**

☐

CONTINUING ACTION

THE PARTICULARS ARE (If additional paper is needed, attach extra sheet(s)):

I have been working for Dollar Tree Inc since about 2/10/10 to on or about 7/30/10, most recently as a Cashier. I report to Ms. Cheryl McNelly, Store Manager. Since about February 2010 and continuing through about July 2010, I have been subjected to sexual harassment by Ms. McNelly that included, but is not limited to: being send sexually explicit pictures and text messages, being exposed to sexually suggestive gestures at work. On or about 7/25/10, I complained to Mr. David Worley, District Manager, about the sexual harassment and hostile work environment. On or about 7/30/10, I was informed by Ms. Yvonnda Young, Assistant Store Manager, that I was discharged and not to return to work.

No reason was provided for the sexual harassment or the discharge.

I believe that I was subjected to sexual harassment due to my sex (male), and discharged in retaliation for complaining, which is in violation of Title VII of the Civil Rights Act of 1964, as amended.

I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.

I declare under penalty of perjury that the above is true and correct.

**Nov 08, 2010**

Date

Charging Party Signature

NOTARY - When necessary for State and Local Agency Requirements

I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief.

SIGNATURE OF COMPLAINANT

SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE  
(month, day, year)



NOTICE OF RIGHT TO SUE (ISSUED ON REQUEST)

To: Eddie D. Johnson  
1925 College Ave. # 105  
San Bernardino, CA 92407

From: Los Angeles District Office  
255 E. Temple St. 4th  
Los Angeles, CA 90012

☐ On behalf of person(s) aggrieved whose identity is  
CONFIDENTIAL (29 CFR §1601.7(a))

EEOC Charge No.	EEOC Representative	Telephone No.
480-2011-00396	Ben Luu, Investigator	(213) 894-1000

(See also the additional information enclosed with this form.)

NOTICE TO THE PERSON AGGRIEVED:

Title VII of the Civil Rights Act of 1964, the Americans with Disabilities Act (ADA), or the Genetic Information Nondiscrimination Act (GINA): This is your Notice of Right to Sue, issued under Title VII, the ADA or GINA based on the above-numbered charge. It has been issued at your request. Your lawsuit under Title VII, the ADA or GINA **must be filed in a federal or state court WITHIN 90 DAYS of your receipt of this notice**; or your right to sue based on this charge will be lost. (The time limit for filing suit based on a claim under state law may be different.)

- ☒ More than 180 days have passed since the filing of this charge.
- ☐ Less than 180 days have passed since the filing of this charge, but I have determined that it is unlikely that the EEOC will be able to complete its administrative processing within 180 days from the filing of this charge.
- ☒ The EEOC is terminating its processing of this charge.
- ☐ The EEOC will continue to process this charge.

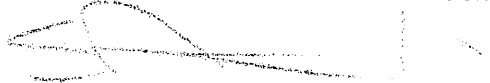
Age Discrimination in Employment Act (ADEA): You may sue under the ADEA at any time from 60 days after the charge was filed until 90 days after you receive notice that we have completed action on the charge. In this regard, **the paragraph marked below applies to your case:**

- ☐ The EEOC is closing your case. Therefore, your lawsuit under the ADEA **must be filed in federal or state court WITHIN 90 DAYS of your receipt of this Notice**. Otherwise, your right to sue based on the above-numbered charge will be lost.
- ☐ The EEOC is continuing its handling of your ADEA case. However, if 60 days have passed since the filing of the charge, you may file suit in federal or state court under the ADEA at this time.

Equal Pay Act (EPA): You already have the right to sue under the EPA (filing an EEOC charge is not required.) EPA suits must be brought in federal or state court within 2 years (3 years for willful violations) of the alleged EPA underpayment. This means that **backpay due for any violations that occurred more than 2 years (3 years) before you file suit may not be collectible.**

If you file suit, based on this charge, please send a copy of your court complaint to this office.

On behalf of the Commission



Enclosures(s)

Olophius E. Perry,  
District Director

8-11-11  
(Date Mailed)

cc: Adria Boetig, Associate Counsel-EEO  
DOLLAR TREE INC  
500 Volvo Pkwy  
Chesapeake, VA 23320

Marina Kats Fraigun, Esq.  
Jay S. Rothman & Associates  
21900 Burbank Blvd. Suite 210  
Woodland Hills, CA 91367

**UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA**

**NOTICE OF ASSIGNMENT TO UNITED STATES MAGISTRATE JUDGE FOR DISCOVERY**

This case has been assigned to District Judge Dolly Gee and the assigned discovery Magistrate Judge is Carla Woehrle.

The case number on all documents filed with the Court should read as follows:

**CV11- 5923 DMG (CWx)**

Pursuant to General Order 05-07 of the United States District Court for the Central District of California, the Magistrate Judge has been designated to hear discovery related motions.

All discovery related motions should be noticed on the calendar of the Magistrate Judge

=====

**NOTICE TO COUNSEL**

*A copy of this notice must be served with the summons and complaint on all defendants (if a removal action is filed, a copy of this notice must be served on all plaintiffs).*

Subsequent documents must be filed at the following location:

☒ **Western Division**  
312 N. Spring St., Rm. G-8  
Los Angeles, CA 90012

☐ **Southern Division**  
411 West Fourth St., Rm. 1-053  
Santa Ana, CA 92701-4516

☐ **Eastern Division**  
3470 Twelfth St., Rm. 134  
Riverside, CA 92501

Failure to file at the proper location will result in your documents being returned to you.

## Name &amp; Address:

JAY S. ROTHMAN & ASSOCIATES  
 JAY S. ROTHMAN, SBN 49739  
 21900 Burbank Blvd., Suite 210  
 Woodland Hills, California 91367  
 Telephone: (818) 986-7870

UNITED STATES DISTRICT COURT  
 CENTRAL DISTRICT OF CALIFORNIA

EDDIE D. JOHNSON

PLAINTIFF(S)

v.

DOLLAR TREE STORES, INC., a Virginia  
 corporation; CHERYL McNALLY, an individual; and  
 DOES 1 through 10, Inclusive

DEFENDANT(S).

CASE NUMBER

**LACV11-5923** DMG(CWx)**SUMMONS**

TO: DEFENDANT(S): DOLLAR TREE STORES, INC., a Virginia corporation;  
CHERYL McNALLY, an individual; and DOES 1 through 10, Inclusive

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it), you must serve on the plaintiff an answer to the attached ☒ complaint ☐ \_\_\_\_\_ amended complaint ☐ counterclaim ☐ cross-claim or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff's attorney, JAY S. ROTHMAN, whose address is 21900 Burbank Blvd., Suite 210, Woodland Hills, CA 91367. If you fail to do so, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

Clerk, U.S. District Court

Dated: JUL 19 2011By: SUSANA P. BUSTAMANTE  
Deputy Clerk

(Seal of the Court)

[Use 60 days if the defendant is the United States or a United States agency, or is an officer or employee of the United States. Allowed 60 days by Rule 12(a)(3)].

UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA  
CIVIL COVER SHEETI (a) PLAINTIFFS (Check box if you are representing yourself ☐)  
EDDIE D. JOHNSON

## DEFENDANTS

DOLLAR TREE STORES, INC., a Virginia corporation; CHERYL McNALLY,  
an individual; and DOES 1 through 10, Inclusive

(b) Attorneys (Firm Name, Address and Telephone Number. If you are representing yourself, provide same.)

JAY S. ROTHMAN, SBN 49739 (818) 986-7870  
JAY S. ROTHMAN & ASSOCIATES  
21900 Burbank Blvd., Suite 210, Woodland Hills, California 91367

Attorneys (If Known)

## II. BASIS OF JURISDICTION (Place an X in one box only.)

- ☐ 1 U.S. Government Plaintiff ☒ 3 Federal Question (U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES - For Diversity Cases Only  
(Place an X in one box for plaintiff and one for defendant.)

- |   | PTF                                   | DEF                                   |   | PTF                        | DEF                                   |
|---|---------------------------------------|---------------------------------------|---|----------------------------|---------------------------------------|
| Citizen of This State                   | <input checked="" type="checkbox"/> 1 | <input checked="" type="checkbox"/> 1 | Incorporated or Principal Place of Business in this State     | <input type="checkbox"/> 4 | <input type="checkbox"/> 4            |
| Citizen of Another State                | <input type="checkbox"/> 2            | <input type="checkbox"/> 2            | Incorporated and Principal Place of Business in Another State | <input type="checkbox"/> 5 | <input checked="" type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3            | <input type="checkbox"/> 3            | Foreign Nation  | <input type="checkbox"/> 6 | <input type="checkbox"/> 6            |

## IV. ORIGIN (Place an X in one box only.)

- ☒ 1 Original Proceeding ☐ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from another district (specify): ☐ 6 Multi-District Litigation ☐ 7 Appeal to District Judge from Magistrate Judge

V. REQUESTED IN COMPLAINT: JURY DEMAND: ☒ Yes ☐ No (Check 'Yes' only if demanded in complaint.)CLASS ACTION under F.R.C.P. 23: ☐ Yes ☒ No☐ MONEY DEMANDED IN COMPLAINT: \$

## VI. CAUSE OF ACTION (Cite the U.S. Civil Statute under which you are filing and write a brief statement of cause. Do not cite jurisdictional statutes unless diversity.)

Title VII of the Civil Rights Act of 1964 and the Civil Rights Act of 1991. Defendant sexually harassed Plaintiff and discriminated against him on the basis of his sex.

## VII. NATURE OF SUIT (Place an X in one box only.)

OTHER STATUTES	CONTRACT	TORTS	TORTS	PRISONER	LABOR
<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce/ICC Rates/etc. <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Act <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Info. Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes	<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loan (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<b>PERSONAL INJURY</b> <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Fed. Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury-Med Malpractice <input type="checkbox"/> 365 Personal Injury-Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability <b>IMMIGRATION</b> <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 463 Habeas Corpus-Alien Detainee <input type="checkbox"/> 465 Other Immigration Actions	<b>PERSONAL PROPERTY</b> <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability <b>BANKRUPTCY</b> <input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 <b>CIVIL RIGHTS</b> <input type="checkbox"/> 441 Voting <input checked="" type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 American with Disabilities - Employment <input type="checkbox"/> 446 American with Disabilities - Other <input type="checkbox"/> 440 Other Civil Rights	<b>PETITIONS</b> <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 Habeas Corpus <input type="checkbox"/> 535 General <input type="checkbox"/> 540 Death Penalty <input type="checkbox"/> 545 Mandamus/Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <b>FORFEITURE/PENALTY</b> <input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other	<input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act <b>PROPERTY RIGHTS</b> <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark <b>SOCIAL SECURITY</b> <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) (405(g)) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) <b>FEDERAL TAX SUITS</b> <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS-Third Party 26 USC 7609

LACV11-5923

FOR OFFICE USE ONLY: Case Number: \_\_\_\_\_

AFTER COMPLETING THE FRONT SIDE OF FORM CV-71, COMPLETE THE INFORMATION REQUESTED BELOW.

UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA  
CIVIL COVER SHEETVIII(a). IDENTICAL CASES: Has this action been previously filed in this court and dismissed, remanded or closed? ☒ No ☐ Yes

If yes, list case number(s): \_\_\_\_\_

VIII(b). RELATED CASES: Have any cases been previously filed in this court that are related to the present case? ☒ No ☐ Yes

If yes, list case number(s): \_\_\_\_\_

## Civil cases are deemed related if a previously filed case and the present case:

- (Check all boxes that apply) ☐ A. Arise from the same or closely related transactions, happenings, or events; or
- ☐ B. Call for determination of the same or substantially related or similar questions of law and fact; or
- ☐ C. For other reasons would entail substantial duplication of labor if heard by different judges; or
- ☐ D. Involve the same patent, trademark or copyright, and one of the factors identified above in a, b or c also is present.

## IX. VENUE: (When completing the following information, use an additional sheet if necessary.)

(a) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which EACH named plaintiff resides.

☐ Check here if the government, its agencies or employees is a named plaintiff. If this box is checked, go to item (b).

County in this District:*	California County outside of this District; State, if other than California; or Foreign Country
LOS ANGELES	

(b) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which EACH named defendant resides.

☐ Check here if the government, its agencies or employees is a named defendant. If this box is checked, go to item (c).

County in this District:*	California County outside of this District; State, if other than California; or Foreign Country
Defendant McNALLY: Los Angeles	Defendant DOLLAR TREE: Norfolk County

(c) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which EACH claim arose.

Note: In land condemnation cases, use the location of the tract of land involved.

County in this District:*	California County outside of this District; State, if other than California; or Foreign Country
LOS ANGELES	

\* Los Angeles, Orange, San Bernardino, Riverside, Ventura, Santa Barbara, or San Luis Obispo Counties

Note: In land condemnation cases, use the location of the tract of land involved.

X. SIGNATURE OF ATTORNEY (OR PRO PER): \_\_\_\_\_ Date July 7, 2011

Notice to Counsel/Parties: The CV-71 (JS-44) Civil Cover Sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law. This form, approved by the Judicial Conference of the United States in September 1974, is required pursuant to Local Rule 3-1 is not filed but is used by the Clerk of the Court for the purpose of statistics, venue and initiating the civil docket sheet. (For more detailed instructions, see separate instructions sheet.)

## Key to Statistical codes relating to Social Security Cases:

Nature of Suit Code	Abbreviation	Substantive Statement of Cause of Action
861	HIA	All claims for health insurance benefits (Medicare) under Title 18, Part A, of the Social Security Act, as amended. Also, include claims by hospitals, skilled nursing facilities, etc., for certification as providers of services under the program. (42 U.S.C. 1935FF(b))
862	BL	All claims for "Black Lung" benefits under Title 4, Part B, of the Federal Coal Mine Health and Safety Act of 1969. (30 U.S.C. 923)
863	DIWC	All claims filed by insured workers for disability insurance benefits under Title 2 of the Social Security Act, as amended; plus all claims filed for child's insurance benefits based on disability. (42 U.S.C. 405(g))
863	DIWW	All claims filed for widows or widowers insurance benefits based on disability under Title 2 of the Social Security Act, as amended. (42 U.S.C. 405(g))
864	SSID	All claims for supplemental security income payments based upon disability filed under Title 16 of the Social Security Act, as amended.
865	RSI	All claims for retirement (old age) and survivors benefits under Title 2 of the Social Security Act, as amended. (42 U.S.C. (g))